

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, APRIL 25, 1995
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 11:10 a.m. Mayor Golding simultaneously convened the Housing Authority with the regular meeting at 11:16 a.m. Mayor Golding recessed the meeting at 1:25 p.m. and continued the Housing Authority meeting. The meeting was reconvened by Mayor Golding at 1:46 p.m. with all members of the Council present. Mayor Golding adjourned the meeting at 5:30 p.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present
Clerk-Abdelnour (ew:mp)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

(M) Mayor Golding-present
(1) Council Member Mathis-present
(2) Council Member Harvey-present
(3) Council Member Kehoe-present
(4) Council Member Stevens-present
(5) Council Member Warden-present
(6) Council Member Stallings-present
(7) Council Member McCarty-present
(8) Council Member Vargas-present

PUBLIC COMMENT:

None.

COUNCIL COMMENT:

None.

ITEM-310: DENIED HEARING

SUBJECT: Request by Sabah Mansour, for a hearing of an appeal from the decision of the Board of Zoning Appeals in upholding the Zoning Administrator's decision to deny the request to permit the sale of beer and wine within an existing market where such use is permitted by conditional use permit only.

(CUP-21260. Skyline-Paradise Hills Community Plan Area. District-4.)

A motion either granting or denying the request for a hearing of the appeal.

NOTE: Pursuant to the requirements of the San Diego Municipal Code, no oral presentations shall be made to the Council by either the proponents or opponents of the project. If the request to allow an appeal is granted, time has been reserved for the project to be heard on Tuesday, May 23, 1995, at 10:00 a.m.

SUPPORTING INFORMATION:

The appeal is being requested for a permit to allow the sale of beer and wine within an existing market where such use is permitted by conditional use permit only. The subject property is located at 2304 Reo Drive, in the CN Zone, in the Skyline-Paradise Hills Community Plan Area and is more particularly described as Lot 20, Block 19, Paradise Hills Map-1936. The Zoning Administrator denied the permit; was opposition.

The Board of Zoning Appeals voted 3-0 to uphold the Zoning Administrator's denial of the permit.

Ayes: Outlaw, Wharton and Clark.

Nays: None

Not present: Magot, Brown and McAteer

The Skyline-Paradise Hills Community Planning Group has recommended denial of the permit.

FILE LOCATION: ZONING PROCEEDINGS - ZONING APPEAL -
CUP-21260 (25)

COUNCIL ACTION: (Tape location: A084-138.)

MOTION BY WARDEN TO DENY THE HEARING. Second by Kehoe.
Passed by the following vote: Mathis-yea, Harvey-yea,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330:

SUBJECT: Two actions related to the Cass Street (Grand Avenue to
Turquoise Street) Underground Utility District.
(Pacific Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1255) ADOPTED AS RESOLUTION R-285650

Establishing the Cass Street (Grand Avenue to Turquoise
Street) Underground Utility District.

Subitem-B: (R-95-1256) ADOPTED AS RESOLUTION R-285651

Authorizing the expenditure of not to exceed \$38,000
from Annual Allocation - Undergrounding of City
Utilities, CIP-37-028.0, Transnet Fund 30300, for the
purpose of administering the Cass Street (Grand Avenue
to Turquoise Street) Underground Utility District,
minor City force work, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is in CIP-37-028.0, Annual Allocation
-Undergrounding of City Utilities, and will underground the
overhead utility facilities on Cass Street between Grand Avenue
and Turquoise Street. The formation of this district will
require the affected property owners to underground the utilities
which provide service to their property prior to removal of the
overhead utilities in the street.

Council Policy 800-2 provides for the use of San Diego Gas and
Electric Company's Annual Allocation Funds (Case 8209) to make
reimbursement payments to affected property owners for a portion
of the cost of their required undergrounding. Property owners
are reimbursed based upon the length of their electrical service
trench for electrical and conduit only up to a maximum of \$1,800
per electric service lateral. In most cases, the reimbursement
is sufficient to cover the entire cost for the trenching.

Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution establishing the date for removal of overhead electrical services to all customers will be submitted as the undergrounding work approaches completion. Included in that resolution will be a request for authorization to fund, with budgeted CIP funds, the replacement of existing wood pole mounted street lights with new street lights having underground electrical service at an estimated cost of \$95,000. Aud. Cert. 9500837.

FILE LOCATION: STRT - K-228

COUNCIL ACTION: (Tape location: A037-083.)

Hearing began at 11:11 a.m. and halted at 11:17 a.m.

MOTION BY KEHOE TO ADOPT ITEMS, 330, 331, 332, AND 334.
Second by Stallings. Passed by the following vote:
Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331:

SUBJECT: Two actions related to the Fairmount Avenue (Talmadge Canyon Row to Camino Del Rio South) Underground Utility District.

(College Community Area. Districts-3 & 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1264) ADOPTED AS RESOLUTION R-285652

Establishing the Fairmount Avenue (Talmadge Canyon Row to Camino Del Rio South) Underground Utility District.

Subitem-B: (R-95-1265) ADOPTED AS RESOLUTION R-285653

Authorizing the expenditure of not to exceed \$27,000 from Annual Allocation - Undergrounding of City Utilities, CIP-37-028.0; (not to exceed \$2,500 from Capital Outlay Other Fund 302453, and not to exceed \$24,500 from Transnet Fund 30300), for the purpose of administering the Fairmount Avenue (Talmadge Canyon Row to Camino Del Rio South) Underground Utility District, minor City force work, and other related work.

CITY MANAGER SUPPORTING INFORMATION:

The proposed district is in CIP-37-028.0, Annual Allocation - Undergrounding of City Utilities, and will underground the overhead utility facilities on Fairmount Avenue between Talmadge Canyon Row and Camino Del Rio South. This underground project will be coordinated with the widening of Fairmount Avenue from Montezuma Road to I-8 (CIP-52-433) that is expected to be completed in the summer of 1996. The formation of this district will require the affected property owners to underground the utilities which provide service to their property prior to removal of the overhead utilities in the street. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case 8209) to make reimbursement payments to affected property owners for a portion of the cost of their required undergrounding. Property owners are reimbursed based upon the length of their electrical service trench for electrical and conduit only up to a maximum of \$1,800 per electric service lateral. In most cases, the reimbursement is sufficient to cover the entire cost for the trenching. Reimbursement does not include the cost of modifications to the electrical service box. This cost typically ranges from \$300 - \$1,500. A future request for a resolution will establish the date for removal of overhead electrical services to all customers and will be submitted as the undergrounding work approaches completion.

Aud. Cert. 9500838.

FILE LOCATION: STRT - K-229

COUNCIL ACTION: (Tape location: A037-083.)

Hearing began at 11:11 a.m. and halted at 11:17 a.m.

MOTION BY KEHOE TO ADOPT ITEMS 330, 331, 332, AND 334.

Second by Stallings. Passed by the following vote:

Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332:

SUBJECT: A determination of the citywide average vacancy rate for residential units. This determination is required by the sections of the San Diego Municipal Code that regulate companion units ("granny flats") (Section 101.0512) and condominium conversions (Section 101.0990 et.seq.) If the vacancy rate is determined to be above

five percent, the City will not accept applications for companion units for one year. Additionally, certain financial and procedural requirements for the conversion of apartments to condominiums will be suspended for one year.

The vacancy rate has exceeded five percent since 1987. (Citywide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1288) ADOPTED AS RESOLUTION R-285654

Adoption of a Resolution reflecting that the citywide average vacancy rate for residential rental units in the City of San Diego is determined to have exceeded five percent (5%) for the calendar year 1994.

OTHER RECOMMENDATIONS:

Planning Commission voted 7 - 0 to approve.

Ayes: Bernet, McElliott, Anderson, Neils, Quinn, Skorepa and White.

Nays: None.

This project was not presented to the Community Planning Committee.

SUPPORTING INFORMATION:

Provisions of the San Diego Municipal Code pertaining to (a) the conversion of apartments to condominiums and (b) companion units require the Planning Commission and the City Council to determine whether the citywide average vacancy rate for residential rental units exceeded five percent for the previous calendar year.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A037-083.)

Hearing began at 11:11 a.m. and halted at 11:17 a.m.

MOTION BY KEHOE TO ADOPT ITEMS 330, 331, 332, AND 334.

Second by Stallings. Passed by the following vote:

Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333:

SUBJECT: Two actions related to a Lease Agreement with San Diego
County SER/Jobs for Progress, Inc.
(Pacific Beach Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-95-1448) ADOPTED AS RESOLUTION R-285655

Authorizing a five-year lease agreement, with two five-year options to extend on mutually acceptable terms, and with a 120-day termination clause, with San Diego County SER/Jobs for Progress, Inc., for the lease of a 0.35-acre City-owned site at the northeast corner of Damon Avenue and Mission Bay Drive, for the construction and operation of the Pacific Beach Employment Center for the benefit of day laborers and employers within the community, under a contract with the San Diego Housing Commission, at a minimum initial rent of \$600 per year paid in advance for the five-year term.

Subitem-B: (R-95-1449) ADOPTED AS RESOLUTION R-285656

Certifying that the information contained in Negative Declaration DEP-94-0371BG, in connection with approval of the construction and operation of Pacific Beach Employment Center, has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and in compliance with the National Environmental Policy Act (NEPA) a finding of no significant impact (FONSI), and that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council;

Finding, based upon the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment and approving the Negative Declaration.

CITY MANAGER SUPPORTING INFORMATION:

A companion item on today's docket will request the City Council, acting as the Housing Authority, to approve an agreement between the San Diego Housing Commission and San Diego County SER/Jobs

for Progress, Inc. ("SER") whereby SER will construct and operate the proposed Pacific Beach Employment Center. This action requests City Council approval for the City Manager to execute a lease between the City and SER, a non-profit agency, for a City-owned site on which SER will construct modular offices and operate the program. The site is approximately .35 acres in size and is located at the northeast corner of Damon Avenue and Mission Bay Drive in Pacific Beach. The Basic Terms of the lease are as follows:

Term: 5 years, with two five-year options subject to mutual agreement of the terms. The lease also includes a 120-day termination clause. The lease is scheduled to commence May 1, 1995.

Use: Construction and operation of an employment center for the benefit of day laborers and employers within the community.

Rent: \$600 per year with the 5 year term paid in advance.

Improvements: Lessee proposes to construct modular offices and other improvements on the site and be operational by June 30, 1995. At the City's option, the improvements will belong to the City at the termination of the lease.

Utilities: Lessee to pay for all utility costs.

Maintenance: Lessee to pay for all maintenance and repairs.

NOTE: See the Housing Authority Agenda of April 25, 1995 for a companion item.

FILE LOCATION: LEAS - San Diego County SER/Jobs for
Progress, Inc. LEASFY95-1

COUNCIL ACTION: (Tape location: A139-C529.)

MOTION BY STALLINGS TO ACCEPT THE CITY MANAGER'S
RECOMMENDATION TO ADOPT SUBITEMS A AND B. Second by Vargas.
Passed by the following vote: Mathis-yea, Harvey-nay,
Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea,
McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334:

SUBJECT: Approval of FY 95 CDBG Agreement with the San Diego
Housing Commission.

(See San Diego Housing Commission Report HCR-95-03.)

SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:

Adopt the following resolution:

(R-95-1417 Cor. Copy) ADOPTED AS RESOLUTION R-285657

Authorizing the FY 1995 Community Development Block Grant (CDBG) Agreement with the San Diego Housing Commission for use of \$4,738,542 of CDBG funds in accordance with previous City Council fund allocation;

Authorizing the City Auditor and Comptroller to reprogram prior-year CDBG funds in the amount not to exceed \$2,536,542 to the FY 95 Program Year, and to appropriate the funds for the FY 95 CDBG Agreement with the Housing Commission;

Authorizing the expenditure of not to exceed \$4,738,542 for Housing Rehabilitation, Housing Development, Housing Loan Management, and Housing Program and Policy Development Program Support, Relocation, Rehabilitation Loans, Loan Foreclosure Security Fund, Public Housing Development Site Improvements (Council Districts 1 and 6); Rural Homeless Assistance (Council District 1); Development of an Employment Center (Council District 8); Rancho Site Acquisition Feasibility Study (Council District 6); LISC Homebuyer Assistance Program, Latino Builders Association's Low Income Housing Rehabilitation Program, and First Time Homebuyer Assistance (District 1);

Authorizing the City Manager to amend the contract period of the 1993 agreement with the San Diego Housing Commission, previously approved on December 1993 as Resolution R-283140, from a termination date of December 31, 1994 to June 30, 1994.

Aud. Cert. 9500972.

FILE LOCATION: MEET CONFY95-1

COUNCIL ACTION: (Tape location: A037-083.)

Hearing began at 11:11 a.m. and halted at 11:17 a.m.

MOTION BY KEHOE TO ADOPT ITEMS 330, 331, 332, AND 334.

Second by Stallings. Passed by the following vote:

Mathis-yea, Harvey-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: TESTIMONY TAKEN; HEARING CLOSED

SUBJECT: Special Hearing - Fiscal Year 1996 CDBG and Social Service Applications.

The purpose of this Special Hearing is to receive public testimony on requests for Fiscal Year 1996 Community Development Block Grant (CDBG) funding and Social Service funding recommendations. The CDBG hearings are in addition to the regular business scheduled on today's docket, and will be heard at the conclusion of the regular business.

There are 163 CDBG requests that have been assigned numbers between 1 and 163. Testimony will be heard from CDBG applicants in the following order:

1. Public Testimony on CDBG Applications:

Applications	Numbers
City-wide	33, 46, 55, 134, 136, 145, 147, 153
District 1	4, 112
District 2	22, 30, 34, 36, 39, 69, 74, 101, 122, 157
District 3	6, 15, 16, 31, 41, 42, 43, 50, 52, 65, 75, 76, 77, 78, 103, 104, 107, 109, 110, 114, 116, 118, 123, 125, 130, 155
District 4	13, 35, 60, 66, 67, 79, 80, 81, 82, 83, 84, 108, 121, 131, 138, 139, 140, 154
District 5	2, 85, 86, 87, 88, 89
District 6	5, 8, 28, 62, 73, 161
District 7	1, 10, 17, 64, 90, 91, 106, 124, 127
District 8	3, 7, 9, 11, 12, 20, 23, 24, 25, 29, 47, 53, 59, 63, 68, 70, 71, 92, 93, 94, 95, 96, 97, 98, 99, 100, 105, 113, 115, 126, 128, 133, 135, 141, 142, 143, 156
Multi-District	14, 18, 19, 21, 26, 27, 32, 37, 38, 40, 44, 45, 48, 49, 51, 54, 56, 57, 58, 61, 62, 102, 111, 117, 119, 120, 129, 132, 137, 144, 148, 149, 150, 151, 152, 158, 159, 160, 162, 163
**Social Services	1 Through 64
Late Applications	

2. Close of Public Testimony

****Please note:** Following the conclusion of the CDBG related testimony, the 64 applicants for Social Service funding will have their opportunity to testify. The Social Services portion will be heard at the end of the day.

Guidelines for Public Testimony: Guidelines for public testimony will be determined by the Chair. Due to the number of applications each application will be allotted no more than a maximum of 2 minutes. The hearing will be closed at the end of public testimony.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D150-I445.)

Mayor Golding closed the hearing.

NON-DOCKET ITEMS:
None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 5:30 p.m.